UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,340	03/09/2004	Alexander Medvinsky	D03046	1990

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EXAMINER
STANLEY, MARK P

ART UNIT	PAPER NUMBER
2427	

NOTIFICATION DATE	DELIVERY MODE
10/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2008*.

2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,7-20 and 23* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,7-20 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 7/16/2008.

2.   Claims 1-2, 4, 7-20, 23 are pending in the application.

Response to Arguments

Applicant's arguments, filed 7/16/2008, with respect to the rejection(s) of claim(s)

have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 1-2, 4, 7-20, 22-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Krishnawamy et al. (US 7,171,021 hereinafter Krishnaswamy) and in

view of Doyle et al. (US 2002/0129241 hereinafter Doyle) and in further view of Dietrich

(US 6,199,170 hereinafter Dietrich)

Regarding claim 1, Krishnaswamy discloses "a method of controlling use of

program content, said method comprising:"

"receiving program content;

storing said program content in memory;" (col. 9 line 59 – col. 10 line 29, Fig. 2)

"storing a rule for determining whether said program content in memory may be played;" (col. 13 lines 37-39, col. 14 lines 18-22, License)

Krishnaswamy teaches periodically receiving a licensor certificate, where a licensor certificate is used with the license for playback of the content (col. 27 lines 25-40) and without periodically obtaining an updated licensor certificate playback will be disabled as an appropriate certificate for use with the license is not available, where it is inherent that the current licensor certificate has a corresponding "time out limit" after which an updated licensor certificate must be received for playback of the content. But, Krishnaswamy does not explicitly state the licensor certificate containing a "system time of day value" such that the "system time of day value" is used with "a local clock of a client device" to determine "a current time of day".

However, Doyle teaches periodically receiving certificates, whereby an interval is associated with a certificate by which a following certificate must be received prior to the end of the interval, and further teaches the certificates containing a 'timestamp' corresponding to the "system time of day", the 'timestamp' and interval times is based on data from a 'Trust Time Source' ([0109], [0113]-[0126], [0132], [0149]-[0153], Figs. 8-10).

Further Dietrich teaches calculating a current time based on a "system time of day" (external time reference) and local clock via synchronization of the local clock with the received "system time of day", whereby synchronizing a local clock to the "system time of day value" such that the local clock may compute the actual current time of day according to the "system time of day value". (col. 1 lines 11-19, col. 2 lines 30-46).

Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to combine the teachings of Krishnaswamy for periodically receiving an updated 'Licensor Certificate' for use with a 'License' for enforcing of a rule corresponding to content playback with the teachings of Doyle for periodically receiving certificates within an assigned interval each certificate containing a "system time of day" value with the teachings of Dietrich for calculating a current time based on a "system time of day" and local clock via synchronization. One would have been motivated to include a system time of day in the certificates and use the system time of day with local clock to determine the current time such that the client may be operating on the same time frame as that of the server for ensuring proper time enforcement of agreements client side that would be used in a DRM License associated with program content to avoid local clock tampering via continuous synchronization.

Regarding claim 2, Krishnaswamy, Doyle, Dietrich disclose "the method as described in claim 1 wherein said disabling

playback of said program content comprises reducing the quality of the playback of the program content" (see Krishnswamy col. 12 lines 53-67, col. 27 lines 25-40, whereby disabling playback the quality must be reduced).

Regarding claim 4, Krishnaswamy, Doyle, Dietrich disclose "the method as described in claim 1 and further comprising:

synchronizing the client device to said system time via said system time of day

value in said first time out message" (see Dietrich col. 1 lines 11-19, col. 2 lines 30-46).

Regarding claim 7 Krishnaswamy, Doyle, Dietrich disclose "the method as

described in claim 1 wherein said enforcing said rule comprises:

comparing said current time of day to said time out limit;" (col. 1 lines 11-19, col.

2 lines 30-46, obtaining current time client side via synchronizing local clock to 'system

time of day value', see Krishnaswamy col. 27 lines 25-40 where a new updated

Licensor Certificate must be obtained prior to a time out limit associated with a previous

Licensor Certificate, see Doyle [0109], [0113]-[0126], [0132], [0149]-[0153], Figs. 8-10

receiving a new updated Certificate with within the interval determined via previous

certificate)

"checking for a second time out message, said second time out message

comprising a second system time of day value and a second time out limit;" (see

Krishnaswamy col. 27 lines 25-40, checking for a new updated Licensor Certificate, see

Doyle [0109], [0113]-[0126], [0132], [0149]-[0153], Figs. 8-10 receiving a new updated

Certificate with within the interval determined via previous certificate, where each

Certificate contains a 'system time of day value' and 'time out limit')

"disabling playback of said program content if said second time out message is

not received prior to said time out limit" (see Krishnaswamy col. 12 lines 53-67, col. 27,

Certificate used with License where if a valid Certificate is not available, playback is

disabled).

Regarding claim 8, Krishnaswamy, Doyle, Dietrich disclose "the method as described in claim 1 and further comprising:

receiving a second time message;" (see Krishnaswamy col. 27 lines 25-40, checking for a new updated Licensor Certificate, see Doyle [0113]-[0126], [0132] Figs. 8-10, receiving a new updated Certificate with within the interval determined via previous certificate, where each Certificate contains a 'system time of day value' and 'time out limit')

re-enabling playback of said program content after receipt of said second time out message" (see Krishnaswamy col. 27 lines 25-40, Certificate used with License where if a valid Certificate is available, once a new updated valid Certificate is received playback is enabled according to DRM License).

Regarding claim 9, Krishnaswamy, Doyle, Dietrich disclose "the method as described in claim 1 and further comprising:

entering into a digital rights rental agreement to allow receipt of said program content" (see Krishnaswamy col. 3 lines 23-26, col. 14 lines 18-22, Fig. 13, License corresponding to a DRM agreement corresponding to program content).

Regarding claim 10, Krishnaswamy, Doyle, Dietrich disclose "the method as described in claim 1 wherein said disabling playback comprises:

disabling playback of some program content while not disabling playback of other program content" (see Krishnaswamy col. 1 lines 63-67, col. 2 lines 23-28, col. 18 lines 23-38, License containing DRM agreement corresponding to program content, where different types of licenses and a plurality of keys are available to the same content or portions of the content, each license and key effecting playback differently upon lack of valid certificate).

Regarding claim 11, Krishnaswamy, Doyle, Dietrich disclose "the method as described in claim 1 and further comprising:

synchronizing a local clock to a system clock by utilizing said time of day value" (see Dietrich col. 1 lines 11-19, col. 2 lines 30-46).

Regarding claim 12, Krishnaswamy, Doyle, Dietrich disclose "the method as described in claim 1 and further comprising:

utilizing a local clock and said system time of day value to compute a current time of day" (see Dietrich col. 1 lines 11-19, col. 2 lines 30-46, synchronizing a local clock to the "system time of day value" such that the local clock may compute the actual current time of day according to the "system time of day value").

Regarding claim 13, Krishnaswamy, Doyle, Dietrich disclose "the method as described in claim 1 and further comprising:

receiving a second time out message comprising a second system time of day

value;" (see Krishnaswamy col. 27 lines 25-40, checking for a new updated Licensor

Certificate, see Doyle [0113]-[0126], [0132] Figs. 8-10, receiving a new updated

Certificate with within the interval determined via previous certificate, where each

Certificate contains a 'system time of day value' and 'time out limit')

"disabling playback if the current time of day is later than the second system time

of day value in the second time out message" (see Krishnaswamy col. 27 lines 25-40,

Certificate used with License where if a valid Certificate is not available after a previous

Certificate is expired, playback would be disabled).

Regarding claim 14, the claim has been analyzed and rejected for the same

reasoning as claim 1 above, where the apparatus for performing the method is

disclosed (see Krishnaswamy col. 4 line 60 – col. 8 line 18, Figs. 1-2).

Regarding claim 15, Krishnaswamy discloses receiving and storing program

content (col. 9 line 59 – col. 10 line 29, Fig. 2) with storing aa rule for determining

whether said program content in memory may be played (col. 13 lines 37-39, col. 14

lines 18-22, License). Krishnaswamy further teaches periodically receiving a licensor

certificate, where a licensor certificate is used with the license for playback of the

content (col. 27 lines 25-40) and without periodically obtaining an updated licensor

certificate playback will be disabled as an appropriate certificate for use with the license

is not available, where it is inherent that the current licensor certificate has a

corresponding "time out limit" after which an updated licensor certificate must be received for playback of the content. But, Krishnaswamy does not explicitly state the licensor certificate containing a "system time of day value" such that the "system time of day value" is used with "a local clock of a client device" to determine "a current time of day".

However, Doyle teaches periodically receiving certificates, whereby an interval is associated with a certificate by which a following certificate must be received prior to the end of the interval, and further teaches the certificates containing a 'timestamp' corresponding to the "system time of day", the 'timestamp' and interval times is based on data from a 'Trust Time Source' ([0109], [0113]-[0126], [0132], [0149]-[0153], Figs. 8-10).

Further Dietrich teaches calculating a current time based on a "system time of day" (external time reference) and local clock via synchronization of the local clock with the received "system time of day", whereby synchronizing a local clock to the "system time of day value" such that the local clock may compute the actual current time of day according to the "system time of day value" (col. 1 lines 11-19, col. 2 lines 30-46).

Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to combine the teachings of Krishnaswamy for periodically receiving an updated 'Licensor Certificate' for use with a 'License' for enforcing of a rule corresponding to content playback with the teachings of Doyle for periodically receiving certificates within an assigned interval each certificate containing a "system time of day" value with the teachings of Dietrich for calculating a current time based on a "system

time of day" and local clock via synchronization. One would have been motivated to

include a system time of day in the certificates and use the system time of day with local

clock to determine the current time such that the client may be operating on the same

time frame as that of the server for ensuring proper time enforcement of agreements

client side that would be used in a DRM License associated with program content to

avoid local clock tampering via continuous synchronization.

Regarding claim 16, Krishnaswamy, Doyle, Dietrich disclose "the method as

described in claim 15 wherein said disabling playback comprises reducing the quality of

the playback of said program content" (see Krishnswamy col. 12 lines 53-67, col. 27,

whereby disabling playback the quality must be reduced).

Regarding claim 17, Krishnaswamy, Doyle, Dietrich disclose "the method as

described in claim 15 and further comprising:

receiving said second time message;" (see Krishnaswamy col. 27 lines 25-40,

checking for a new updated Licensor Certificate, see Doyle [0113]-[0126], [0132] Figs.

8-10, receiving a new updated Certificate with within the interval determined via

previous certificate, where each Certificate contains a 'system time of day value' and

'time out limit')

re-enabling playback of said program content after receipt of said second time

message" (see Krishnaswamy col. 27 lines 25-40, Certificate used with License where if

a valid Certificate is available, once a new updated valid Certificate is received playback

is enabled according to DRM License).

Regarding claim 18, Krishnaswamy, Doyle, Dietrich disclose "the method as

described in claim 15 and further comprising:

entering into a digital rights rental agreement to allow use of the program

material" (see Krishnaswamy col. 3 lines 23-26, col. 14 lines 18-22, Fig. 13, License

corresponding to a DRM agreement corresponding to program content).

Regarding claim 19, Krishnaswamy, Doyle, Dietrich disclose "the method as

described in claim 15 wherein said disabling playback comprises:

disabling playback of some program content while not disabling playback of other

program content" (see Krishnaswamy col. 1 lines 63-67, col. 2 lines 23-28, License

containing DRM agreement corresponding to program content, where different types of

licenses available to the same content, each license effecting playback different upon

lack of certification).

Regarding claim 20, Krishnaswamy, Doyle, Dietrich disclose "the method as

described in claim 15 and further comprising:

synchronizing a local clock to a system clock" (see Dietrich col. 1 lines 11-19, col.

2 lines 30-46).

Regarding claim 22, Krishnaswamy, Doyle, Dietrich disclose "the method as

described in claim 15 and further comprising:

disabling playback if the current time of day is later than the second system time

of day value in the second time message" (see Krishnaswamy col. 27 lines 25-40,

Certificate used with License where if a valid Certificate is not available after a previous

Certificate is expired, playback would be disabled).

Regarding claim 23, the claim has been analyzed and rejected for the same

reasoning as claim 15 above, where the apparatus for performing the method is

disclosed (see Krishnaswamy col. 4 line 60 – col. 8 line 18, Figs. 1-2).

Contacts

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MARK P. STANLEY whose telephone number is

(571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/
Examiner, Art Unit 2427

/Scott Beliveau/
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